

Frigo, Victoria (COE)

From: Frigo, Victoria (COE)
Sent: Thursday, June 21, 2012 2:32 PM
To: 'Foeman, Walter'
Cc: Gomez, Diana; Centorino, Joseph (COE)
Subject: Financial Disclosure for Finance Director (INQ 12-108)

Mr. Foeman,

The Finance Director must file a State Form 1 with the Supervisor of Elections in the County in which she resides. She files because she has authority under your city code to make purchases over \$20,000. Although she may have delegated some or all of her authority to another, the Finance Director, in her supervisory capacity, is ultimately responsible for the actions of the designee.

Notice that, under state law, the Finance Director is directed to file with the Elections Department, *not* with your office. Filing State Form 1 with your office will not satisfy the requirements under state law.

The Chief Procurement Officer must file a State Form 1 with the Supervisor of Elections in the County in which he resides. He files because he has been delegated authority to make purchases over \$20,000.

Those who are required to file financial disclosure statements satisfy the law by filing once every year by July 1, unless their responsibilities or circumstances change. For example, corrections to a previously filed State Form 1 can be made by filing an Amended Statement of Financial Interests.

Please feel free to contact me if I can be of further assistance.

Regards,

VICTORIA FRIGO, STAFF ATTORNEY

Phone: 305 350-0601

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19 West Flagler St., Suite 820
Miami, FL 33130

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From: Foeman, Walter [<mailto:wfoeman@coralgables.com>]
Sent: Thursday, June 21, 2012 11:27 AM
To: Frigo, Victoria (COE)
Cc: Gomez, Diana
Subject: FW: Request for an advisory opinion

Ms. Frigo:

I am in receipt of a request for an advisory opinion in connection with the herein below referenced issues; more particularly whether or not the Finance Director of the City of Coral Gables has to file State Form 1 as Pension Trustee with the repository for said forms (Miami-Dade County Supervisor of Elections), pursuant to Florida Statute 112.3145 and Section 2.11.1 (i)(2)(4) of the Miami-Dade County Code?- and if so, if her filing a copy of said form with the City Clerk satisfies her local requirement with me as the Municipal Clerk?- furthermore, whether the delegation of the authority from the Finance Director to the Chief Procurement Officer, to approve purchases up to \$25,000 obligate the

Chief Procurement Officer to have to file the State Form 1 in accordance with Section 2.11.1(i)(2)(4) of the Miami-Dade County Code?- or does it require the Finance Director to file same?

[Note, I am aware of the stipulation that one is only required to file a State Form 1 once in a calendar year].

Please find pertinent sections of our Municipal Code, along with our City's Organizational Chart with respect to hierarchy detailing the Procurement function, which is under the Finance Department.

In closing, as always, your cooperation and support is greatly appreciated.

Regards,

Walter Foeman

City Clerk

E-mail: wfoeman@coralgables.com

Phone: (305) 460-5207

From: Gomez, Diana

Sent: Wednesday, June 20, 2012 6:05 PM

To: Foeman, Walter

Subject: advisory opinion

Hi Walter,

Regarding the financial disclosure forms, the question remains as to whether or not I need to file with the State...

As discussed, attached is the section of the code that assigns the finance director as the Pension Trustee and the duties of the trustee.

I've also attached excerpts from the Procurement Code because under the State filing requirements it says under 3 (last sentence)... "or purchasing agent (regardless of title) having the authority to make any purchase exceeding \$20,000, on behalf of any political subdivision of the state or any entity thereof". Per the code, as the Finance Director I am assigned as the Chief Procurement Officer, however, I delegate that responsibility to the assigned Chief Procurement Officer (Mike Pounds)... and per the code, the position has the authority to approve purchases up to \$25,000. So do I as the Finance Director have to file under that section (3) and/or does Mike Pounds as the Chief Procurement Officer have to file?

Let me know if you need anything else.

Diana M. Gomez

Finance Director

City of Coral Gables

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